



1 BOARDS AND COMMISSIONS

2 KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

3 (Amendment)

4 201 KAR 26:250. Employment of a psychological associate, a temporarily licensed
5 psychological associate, or a temporarily licensed psychologist.

6 RELATES TO: KRS 319.032(1) (b), 319.032(1)(l), 319.064(5)

7 STATUTORY AUTHORITY: KRS 319.032(1) (b), 319.032(1)(l)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1) (l) requires the Board

9 of Examiners of Psychology to promulgate an administrative regulation governing the

10 supervision and employment of a licensed psychological associate, temporarily licensed

11 psychological associate, or a a temporarily licensed psychologist. KRS 319.064(5) prohibits

12 a licensed psychological associate or a temporarily licensed psychological associate or a

13 temporarily licensed psychologist from practicing independently, except under the

14 employment and supervision of a board approved licensed psychologist. This administrative

15 regulation establishes the requirements for the employment of a licensed psychological

16 associate or a temporarily licensed psychological associate or a temporarily licensed

17 psychologist.

18 Section 1. Employment of a licensed psychological associate, a temporarily licensed

19 psychological associate, or a temporarily licensed psychologist (which are licensees requiring

20 supervision) by a regional mental health/mental retardation board, college or university, or

21 government agency shall not be considered independent practice.

1 Section 2. (1)A licensed psychological associate or a temporarily licensed psychological
2 associate. or a temporarily licensed psychologist may be employed in a supervisor's
3 independent practice, if the supervisor is responsible for the direction and control of the
4 practice of the licensed psychological associate or a temporarily licensed psychological
5 associate or a temporarily licensed psychologist.

6 (2) Any such employees shall be paid compensation. Such employees may not be
7 independent contractors and receive a Form 1099 for their compensation. Any independent
8 contractor must have an independent license.

9 Section 3. (1) A special application shall:

10 (a) Be submitted to the board by the supervisor of record and a licensed psychological
11 associate or a temporarily licensed psychological associate or a temporarily licensed
12 psychologist if:

13 1. a. The licensed psychological associate or a temporarily licensed psychological associate
14 or a temporarily licensed psychologist is employed in an independent practice; and

15 b. The supervisor of record is not the employer; or

16 2. The employer is not an organization listed in Section 1 of this administrative regulation.

17 (b) Be approved by the board before the practice begins.

18 (c) Identify the licensed psychological associate or temporarily licensed psychological
19 associate, or temporarily licensed psychologist supervisor, and employer.

20 (d) Certify that:

1 1. The supervising licensed psychologist is not hired, employed, or engaged under contract
2 by the licensed psychological associate or temporarily licensed psychological associate or
3 temporarily licensed psychologist ;

4 2. The licensed psychological associate or temporarily licensed psychological associate or
5 temporarily licensed psychologist is not one of the owners of the independent practice or
6 organization, but rather serves as an employee; and

7 3. The licensed psychological associate or temporarily licensed psychological associate or
8 temporarily licensed psychologist has both administrative and clinical supervision which are
9 provided by the independent practice or organization.

10 (2) The arrangement described in the application shall be approved by the board before the
11 practice begins.

12 Section 4. A licensed psychological associate or a temporarily licensed psychological
13 associate or temporarily licensed psychologist shall not pay, hire, or employ a supervisor to
14 provide supervision in accordance with 201 KAR 26:171.

15 Section 5. A licensed psychological associate or a temporarily licensed psychological
16 associate or temporarily licensed psychologist who works as an employee for more than one

17 (1) independent practice or organization shall obtain approval from the board for a supervisor
18 of record for each independent practice or organization and shall comply with 201 KAR
19 26:171 for approval to have more than two (2) supervisors of record.

1 Section 6. In all communications and advertising with the public, the licensed psychological
2 associate's or temporarily licensed psychological associate's or temporarily licensed
3 psychologist's relationship with the employer and the supervisor shall be clearly indicated.

4 Section 7. The licensed psychological associate or temporarily licensed psychological
5 associate, or temporarily licensed psychologist and the supervisor shall comply with the
6 requirements for supervision established in 201 KAR 26:171.

7 Section 8. Incorporation by Reference. (1) "Special Application", (~~[October 2016]~~ March
8 2021 edition), is incorporated by reference. This material may be inspected, copied, or
9 obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of
10 Psychology, 500 Mero Street [~~911 Leawood Drive~~], Frankfort, Kentucky 40601, Monday
11 through Friday, 8 a.m. to 4:30 p.m. This material may also be found on the Board's website,
12 www.psy.ky.gov.
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Jean A. Deters, Psy.D.

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4 BOARD CHAIR

5 APPROVED BY AGENCY: March 1, 2021

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PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall, if requested, be held on May 28, 2021, at 10:00 a.m. in Room 127, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. In the event the building is not open to the public on May 28, 2021, including if the declared State of Emergency in Executive Order 2020-215 and the State of Emergency Relating to Social Distancing in Executive Order 2020-243 are not rescinded by May 28, 2021, this hearing will be done by video teleconference. A link to the teleconference will be posted on the Board's website. Individuals interested in attending this hearing shall notify this agency in writing by May 21, 2021, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until May 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: David C. Trimble, Board Attorney, 500 Mero Street, Frankfort, KY 40601, phone +1 (502) 782-8823, fax +1 (502) 564-3969, email DavidC.Trimble@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David C. Trimble

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319.032 authorizes the Kentucky Board of Examiners of Psychology to promulgate administrative regulations consistent with KRS Chapter 319, regulating the practice of psychology. This administrative regulation establishes licensees requiring supervision, including licensed psychological associates, temporarily licensed psychological associates, or temporarily licensed psychologists (“supervisees” in this description). This administrative regulation further provides certain requirements and provisions regarding: employment by certain boards, colleges, universities, or government agencies shall not be considered independent practice; employment in a supervisor’s independent practice if the supervisor is responsible for direction and control of the supervisees; payment of compensation to supervisees, and supervisee’s shall not be independent contractors, and independent contractors shall have an independent license; submission of a special application by the supervisor and supervisee in certain conditions and approval by the Board before the practice begins; the supervisee shall not pay, hire, or employ a supervisor to provide supervision; approval by the Board to have more than two supervisors of record; a requirement that the supervisee’s relationship with the employer be clearly indicated in all communications and advertising with the public; the supervisee shall comply with the requirements for supervision

established in 201 KAR 26:171; and the incorporation by reference of the "Special Application" form .

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319.032.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319.032 authorizes the Kentucky Board of Examiners of Psychology to promulgate administrative regulations consistent with KRS Chapter 319, regulating the practice of psychology. This administrative regulation establishes licensees requiring supervision.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319 by carrying out the legislative mandate for the board to establish regulations for the practice of psychology.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The Amendment clarifies licensees requiring supervision.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update licensees requiring supervision.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 319.032 authorizes the Kentucky Board of Examiners of Psychology to promulgate administrative

regulations consistent with KRS Chapter 319, regulating the practice of psychology. This administrative regulation establishes licensees requiring supervision.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319 by carrying out the legislative mandate for the board to establish requirements for the practice of psychology.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 1,772 licensed psychologists practicing in the Commonwealth of Kentucky, as well as an unknown number of their patients who depend on their psychologist remaining current with their training.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: This regulation will provide updated licensees requiring supervision.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This regulation should add no additional cost to the licensed psychologist.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow psychologists to have an updated understanding of licensees requiring supervision.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Examiners of Psychology is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No increases in fees or funding is necessary to implement this administrative regulation.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 201 KAR 26:250

Contact Person: David C. Trimble, phone +1 (502) 782-8823, email DavidC.Trimble@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts the Kentucky Board of Examiners of Psychology.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 319.032(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation does not generate revenue for the Board.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation does not generate revenue for the Board.

c) How much will it cost to administer this program for the first year? This administrative regulation does not create a cost for the Board.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation does not create a cost for the Board.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE IN THIS REGULATION

"Special Application", March 2021 edition, is incorporated by reference to be consistent with changes in this regulation, which now applies to three different types of licensee.